



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

February 12, 2020

BY ECF

The Honorable P. Kevin Castel
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: United States v. Peter Bright, 19 Cr. 521

Dear Judge Castel:

The Government respectfully submits the following proposed modifications to the Court's draft jury charges.

General Introductory Charges:

- Charge No. XXII (Charts and Summaries): The Government submits this charge is not applicable.
- Charge No. XXIII (Uncalled Witnesses—Equally Available): The Government submits this charge is not applicable unless the defendant argues in summation that a witness could have been called.
- Charge No. XXV (Defendant's Testimony (If Defendant Testifies)): The Government submits the paragraph of the charge beginning "If you determine that the defendant committed the acts charged in the indictment and the similar acts as well . . ." should be moved to Charge No. XXIV (Limiting Instruction—Similar Act Evidence).

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Substantive Law:

- Section I.E (Fourth Element—Age of Victim): The Government submits this phrase “with whom the defendant was communicating” should be struck from the sentence “It is not a defense to the charge that the person with whom the defendant was communicating was not in fact under 18 years old, as long as the defendant believed him or her to be under 18 years old.”

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

by: /s/ Alexander Li
Alexander Li
Timothy Howard
Assistant United States Attorneys
(212) 637-2265/-2308